

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

FILED

FEB 02 2018

Clerk, U S District Court
District Of Montana
Billings

LEWIS GALE THORP,

Petitioner,

vs.

DOUGLAS FENDER, ATTORNEY
GENERAL OF THE STATE OF
MONTANA,

Respondents.

CV 17-122-BLG-SPW

ORDER ADOPTING
FINDINGS AND
RECOMMENDATIONS

Petitioner Lewis Gale Thorp, appearing pro se, seeks habeas corpus relief pursuant to 28 U.S.C. §2254. Thorp challenges his 2009 rape conviction out of the Fourteenth Judicial District Court, Musselshell County, Montana. (Doc. 1).

Pending before the Court are United States Magistrate Judge Timothy Cavan's findings and recommendations on Thorp's petition. (Doc. 6). Judge Cavan recommends this Court deny Thorp's habeas petition for lack of jurisdiction. (Doc. 6 at 12). Thorp filed timely objections to the findings and recommendations, entitling him to de novo review. 28 U.S.C. §636(b)(1); Fed. R. Civ. P. 72(b)(3).

Discussion of Thorp's objections is unnecessary because he presents no objections to Judge Cavan's findings and recommendations. Instead, Thorp

reiterates, in affidavit form, the claims he raised before Judge Cavan. The Court has reviewed de novo Thorp's claims and Judge Cavan's findings and recommendations and agrees with Judge Cavan in full. Therefore, for the reasons stated in Judge Cavan's findings and recommendations,

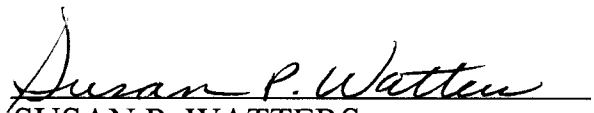
IT IS ORDERED the proposed findings and recommendations entered by United States Magistrate Judge Cavan (Doc. 6) are ADOPTED IN FULL.

IT IS FURTHER ORDERED Thorp's petition (Doc. 1) is DISMISSED for lack of jurisdiction.

IT IS FURTHER ORDERED the Clerk of Court is directed to enter by separate document a judgment in favor of Respondents and against Petitioner.

IT IS FURTHER ORDERED a certificate of appealability is DENIED.

DATED this 2nd day of February, 2018.


SUSAN P. WATTERS
United States District Judge